

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NORRIS FOSTER, NOAH ALPERN and )  
LOUIS ALPERN, Individually and on behalf of )  
of all others similarly situated, )  
Plaintiffs, )  
v. )  
GEORGE B. AMBERCROMBIE, )  
ADRIAN ADAMS, KIP A. FREY, )  
ALAN F. HOLMER, NANCY J. HUTSON, )  
PH.D., RICHARD S. KENT, M.D., )  
KENNETH B. LEE, JR., INSPIRE )  
PHARMACEUTICALS, INC., MERCK & )  
CO., INC., MONARCH TRANSACTION )  
CORP., and JONATHAN S. LEFF )  
Defendants. )

**JUDGMENT**

No. 5:11-CV-180-H

**Decision by Court.**

**This case came before Senior District Judge Malcolm J. Howard for consideration.**

**IT IS ORDERED, ADJUDGED AND DECREED** that the plaintiff's claims are DISMISSED in their entirety. The clerk is directed to close this case.

This Judgment Filed and Entered on April 4, 2013, with service on:

Cullin A. O'Brien (via CM/ECF Notice of Electronic Filing)  
Stuart A. Davidson (via CM/ECF Notice of Electronic Filing)  
Norris A. Adams, II (via CM/ECF Notice of Electronic Filing)  
Brian E. O'Connor (via CM/ECF Notice of Electronic Filing)  
Carol N. Patterson, Jr. (via CM/ECF Notice of Electronic Filing)  
Clifton L. Brinson (via CM/ECF Notice of Electronic Filing)  
Deirdre N. Hykal (via CM/ECF Notice of Electronic Filing)  
Donald H. Tucker, Jr. (via CM/ECF Notice of Electronic Filing)  
Dan C. Kozusko (via CM/ECF Notice of Electronic Filing)  
Jaclyn D. Greenstein (via CM/ECF Notice of Electronic Filing)  
Jonathan A. Berkelhammer (via CM/ECF Notice of Electronic Filing)

JULIE A. RICHARDS, CLERK

/s/ *Donna Rudd*

(By): Donna Rudd, Deputy Clerk